



STATE OF ARKANSAS
TOWING & RECOVERY BOARD
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MINUTES

July 27, 2010

The Arkansas Towing & Recovery Board convened on Tuesday, July 27, 2010 at 9:33 a.m. in the 1st conference room number 170 of the Attorney General's Office, Tower Building at 323 Center Street, Little Rock, Arkansas. Vice-Chairperson Wayne Edwards called the meeting to order with roll call. Vice-Chairperson Wayne Edwards, and Members: E. L. Jacobs, Avon Phillips Jr., Mary Thoma, Ronnie Walker, Charles Bokker, Jr., and Tommy Brown, were in attendance. Board Director Cynthia Lauen, Clerical Assistant April Staggs, Board Investigator Gary Ashcraft, Board Consultant B.G. Hendrix, and Board Legal Counsel Meredith Rebsamen, were also, present. Chairperson Glenna Butler, out of town, and Treasurer Noel Foster were not present.

Vice-Chairperson Edwards confirmed members had received the Minutes from the June 02, 2010, meeting with a Motion by Jacobs and a 2nd by Brown, the Board voted 7-0-2 to accept the Minutes as written.

Director Lauen reported expenditures of \$ 59,329.01 and revenues of \$ 27,229.36 for a checkbook balance as of July 26, 2010 of \$ 98,902.40.
(Note: Copy Treasurers' Reports are filed with these Minutes).

On-Going Business

1. **Progress Report:** Clerical Assistant Staggs reported as of July 26, 2010: 95 non-consent safety licenses; 98 new, 73 1st renewal, and 52 2nd renewal non-consent permits; 31 consent safety licenses, 21 new, 08 1st renewal, 19 2nd renewal and 02 Trailer consent permits were issued, 31 walk-in applications, 02 applications with deficiencies, and 17 unprocessed applications. (Note copy of Clerical Report is filed with these Minutes).
2. **Complaints Report:** Board Investigator Ashcraft reported as of July 26, 2010: 38 telephone complaints, 16 written complaints, and 34 Notices of Non-renewal were sent. An estimated 70 pending complaint investigations, 04 pending complaint hearings, and 15 closed complaints. 00 Offer of Settlements was sent. The complaints were broken down into itemized categories on the report. (Note: copy of Complaint Report is filed with these minutes)
3. **Administrative Appeals:** Board Council Rebsamen reported on 6 complaints on appeal:
 - A. **Complaint No. 06-12-158:** Asher Wrecker Service, Inc.: Issue with the record and requested a hearing waiting to hear back from the court.

- B. **Complaint No. 08-11-061 and 08-12-070:** Steve's Auto Center of Conway, Inc.: Waiting for declaratory judgments. Appeals are still pending, waiting on briefing schedule on appeals.
- C. **Complaint No. 08-06-150:** Gene Zajac DBA Blue Hill Wrecker Service: Record has been filed waiting on a briefing schedule approval and a hearing has been requested.
- D. **Complaint No. 09-01-093 and 09-09-045:** Glover's Transmission and Rear End, Inc; Appeal record has been filed and in process of setting briefing schedule.
- E. **Complaint No. 09-03-110:** Troy Mullins filed an appeal, waiting on briefing schedule.
- F. **Complaint No. 10-10-041:** Lawhon's Towing & Hauling, Inc., filed an appeal, waiting on record and getting a briefing schedule set up.

Old Business

- 1. **Arkansas State Police:** Ashcraft reported we continued work with Captain Mark Allen. On-going discussion has been focused on the education of road troopers on the towing laws.
- 2. **Public Service Advertisements:** Lauen reported no advertisements have been prepared, and a suggestion was made to set up a Face book page. After some discussion, the Board decided to table the discussion until next meeting.

New Business

- 1. **Budget FY 11-13:** Lauen reported the biennial budget had been submitted. In the budget a request one extra help position was made instead of the two additional positions.
- 2. **Rules & Regulations – Tow Dollies and Trailers:** Jacobs reported a situation has come up with regard to the regulation of tow dollies and trailers. Tow dollies are not subject to registration, therefore they should not fall under our rules and regulations; trailers are also causing an issue with the independent auto dealers. After lengthy discussion, with a motion by Phillips, 2nd by Bokker, the Board voted 7-0-2 to have the Director and Investigator, with review of our legal council, draw up tentative rule amendment to exclude trailers from the Board regulation as long as they are under the regulation of the independent auto dealers, but continue to include in the regulations consent tow vehicles working an accident scene and/or who offer their services for hire.
- 3. **Tow Bill –** Lauen reported there was a meeting to be held concerning a tentative tow bill. Legislative Research is setting up the meeting with all parties involved or affected by this bill. The Board has been invited to this meeting. After some discussion, several members plan to attend. Director Lauen stated she would let everyone know when the meeting was set.
- 4. **File Maker Database –** Lauen reported a company made a presentation of a database that would maintain all of the application information and complaint information. This database would basically do the job of another person. It will maintain the information in one place; reports can be pulled on any subject. After some discussion, the Board requested a presentation be made to the Board to show this database and its potential.

Other Business

1. **Next Meetings:** August 31, 2010, 1st Floor conference room, # 170 Tower Building, 323 Center Street, Little Rock, Arkansas.

Meeting adjourned 11:55 a.m.

Signed _____
Glenna Butler, Chairperson or
Wayne Edwards, Vice-Chairperson

Attest _____
Cynthia Lauen, Director

Approved _____ (Date)